

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF SAN MARCOS
JUNE 5, 2012

STATE OF TEXAS §
 §
COUNTY OF §
HAYS

1. Call to Order

2. Roll Call

Present/Council:

Jude Prather
John Thomaides
Daniel Guerrero
Shane Scott
Ryan Thomason
Kim Porterfield
Wayne Becak

City Staff:

Stephanie Reyes, Assistant to City Manager
Jamie Lee Pettijohn, City Clerk
Michael Cosentino, City Attorney
Collette Jamison, Assistant City Manager
Jim Nuse, City Manager

3. 5:00PM Executive Session in accordance with Section §551.074 of the Texas Government Code - Personnel Matters, Appointee Evaluations; and in accordance with Section §551.071 of the Texas Government Code - Consultation with Attorney regarding pending litigation, to wit: Case No. 12-0826, San Marcos Voice v. the City of San Marcos; in the 274th Judicial District Court of Hays County, Texas.

MOTION: Upon a motion made by Council Member Thomaides and a second by Council Member Scott, the City Council voted (5) for and none (0) opposed, to adjourn. The motion carried.

4. Consider adoption or direction to Staff on matters discussed in Executive Session.

5. Receive Staff presentation and hold a discussion regarding proposed Drought Ordinance amendments, and provide direction to Staff.

Tom Taggart, Executive Director for Public Service provided a presentation and update. Jan Klein provided an update on the survey.

6. Invocation

Invocation lead by Pastor Jeff Kester Baihai Spiritual

7. Pledges of Allegiance - United States and Texas

Pledge is lead by Devin Underwood

8. 30 Minute Citizen Comment Period

1. Camille Phillips 2. Dianne Wassenich 3. Rose Brooks

Consent Agenda

9. Consider approval of the May 15, 2012, Regular Meeting Minutes.

10. Consider approval of Ordinance 2012-29, on the second of two readings, amending Subpart B, of the City of San Marcos City Code, Land Development, by repealing Chapter 1, Article 9, Division 4, - "Floodplain Permit" in its entirety; repealing Chapter 5, Article 4 - "Floodplain Development"; establishing a new Chapter 39 in Subpart A of the San Marcos City Code to be titled "Flood Damage Prevention"; repealing all ordinances or parts of ordinances in conflict therewith; providing a severance clause; finding and determining that the meetings at which the ordinance is passed are open to the public as required by law; and providing for and effective date.

11. Consider approval of Ordinance 2012-30, on the second of two readings, amending the Traffic Register maintained under Section 82.067 of the San Marcos City Code by

amending the speed limit in both directions of Riverside Dr. from 30 miles per hour to 25 miles per hour; and including procedural provisions.

12. Consider approval of Ordinance 2012-31, on the second of two readings, amending Chapter 2, Article 3, Boards, Committees and Commissions, of the San Marcos City Code by establishing a Citizens Utility Advisory Board; providing for the composition and functions of the board; including procedural provisions and providing an effective date.

MOTION: Upon a motion made by Council Member Scott and a second by Council Member Porterfield, the City Council voted (5) for and (2) opposed, to approve. The motion carried.

13. Consider approval of Resolution 2012-59R, approving an agreement between the City and Freese and Nichols, Inc. in an amount not to exceed \$53,541.00 for the provision of Professional Engineering Services in connection with the 2012 Lift Station Condition Assessment; authorizing the City Manager to execute this agreement on behalf the City; and declaring an effective date.
14. Consider approval of Resolution 2012-60R, consenting to the assignment of Janitorial Services Contract #209-040, and Carpet/Floor Cleaning Services Contract # 211-035 from American Maid & Janitorial Services (a sole proprietorship) to AMAJS, LLC; and declaring an effective date.
15. Consider approval of Resolution 2012-61R, establishing the City's intention to enter into an Airport Project Participation Agreement with The State of Texas, represented by the Texas Department of Transportation (TxDOT) for the funding of a business plan for The San Marcos Municipal Airport; authorizing the expenditure of ten percent of the total project costs in connection with its receipt of financial assistance from the Texas Department of Transportation; authorizing the City Manager, on behalf of the city, to execute the project participation agreement and all other contracts and agreements with The State of Texas represented by TxDOT and such other parties as shall be necessary and appropriate for the implementation of the improvements to The San Marcos Municipal Airport; and declaring an effective date.
16. Consider approval of Resolution 2012-62R, approving an agreement between the City and American Signal Corporation for \$283,950.00 for the provision of a turnkey Outdoor Siren Warning System contingent upon the contractor's timely submission of proof of insurance and a performance bond in accordance with the agreement; authorizing the City Manager to execute this agreement on behalf of the city; and declaring an effective date.

MOTION: Upon a motion made by Council Member Scott and a second by Council Member Prather, the City Council voted () for and none () opposed, to approve. The motion carried.

MOTION: Upon a motion made by Council Member Thomason and a second by Council Member Becak, the City Council voted () for and none () opposed, to postpone. The motion carried.

MOTION: Upon a motion made by Council Member Prather and a second by Council Member Becak, the City Council voted (7) for and none (0) opposed, to approve. The motion carried.

Non Consent Agenda

- 19.** Consider approval of Ordinance 2012-28, on the first of two readings, amending various sections of Chapter 86, Utilities, Article 2, Water, Division 2, Conservation, including adding definitions under Section 86.056, adding a director's determination for implementation of Drought Response Stages under Section 86.058, modifying restrictions applicable to irrigation, vehicle washing and swimming pools during applicable stages of Drought Response under Sections 86.059, 86.060, 86.061 and 86.062, allowing residential water customers to request a change to their designated weekday for restricted water uses day during drought response stages 2 and 3 under Section 86.064-1 and adding a new Section 86.064-2 to provide for a variance from certain watering restrictions for new landscape; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Prather, the City Council voted (4) for and (3) opposed, to approve. The motion carried.

MOTION: Upon a motion made by Council Member Becak and a second by Council Member Thomason, the City Council voted (4) for and (3) opposed, to approve. The motion carried

- 20.** Consider approval of Resolution 2012-57R, approving an agreement between the City and Union Pacific Railroad in an amount not to exceed \$30,000.00 for the provision of preliminary engineering services in connection with the railroad quiet zones project; authorizing the City Manager to execute this agreement on behalf of the City, and declaring an effective date.

MOTION: Upon a motion made by Council Member Scott and a second by Council Member Thomaides, the City Council voted (6) for and (1) opposed, to approve. The motion carried.

21. Consider approval of Resolution 2012-64R, approving Vision Statements to guide the City's Comprehensive Master Plan process; and declaring an effective date.

MOTION: Upon a motion made by Council Member Thomaides and a second by Council Member Porterfield, the City Council voted (7) for and none (0) opposed, to free form. The motion carried.

22. Discuss and consider the appointment of a Council Member to the River Systems Institute - Upper San Marcos Coordinating Group, and provide direction to Staff.

23. Discuss and consider the appointment of Jerry Borcharding, to fill the vacancy left by Commissioner Debbie Ingalsbe, as the Hays County Representative to the Comprehensive Plan Steering Committee, and provide direction to Staff.

Council approved Jerry Borcharding

24. Discuss and consider the rescheduling of the July 3, 2012 City Council Meeting due to the Fourth of July holiday, and provide direction to Staff.

Moved city council meetings to July 17th and 31st

25. Receive a Staff update on the Downtown Architectural Standards, and provide direction to Staff.

Matthew Lewis, Director of Development Services provided an update.

Public Hearing

17. 7:00PM Receive a Staff Presentation and hold a Public hearing to receive comments for or against Ordinance 2012-32, granting to the Pedernales Electric Cooperative, Inc., its legal representatives, successors and assigns, certain rights-of-way privileges and a nonexclusive franchise to construct, maintain, operate and use a transmission and

distribution system within a portion of the city of San Marcos to provide electric utility service; setting forth the terms and conditions of the franchise; providing a process for resolving violations of the ordinance; providing a savings clause and an effective date; and consider approval of Ordinance 2012-32 on the first of three readings.

MOTION: Upon a motion made by Council Member Scott and a second by Council Member Becak, the City Council voted (7) for and none (0) opposed, to approve. The motion carried.

18.7:00PM Receive a Staff Presentation and hold a Public Hearing to receive comments for or against Resolution 2012-63R, approving a Conditional Use Permit variance under Section 4.3.4.2 of the Land Development Code to allow Pappa Pasta's Restaurant to serve alcohol for on-site consumption at 2550 Hunter Road which location is less than 300 feet from Doris Miller Junior High School; and declaring an effective date; and consider approval of Resolution 2012-63R.

Matthew Lewis, Director of Development Services provided presentation.

MOTION: Upon a motion made by Council Member Becak and a second by Council Member Thomason, the City Council voted (7) for and none (0) opposed, to approve. The motion carried.

16.Consider approval of Resolution 2012-62R, approving an agreement between the City and American Signal Corporation for \$283,950.00 for the provision of a turnkey Outdoor Siren Warning System contingent upon the contractor's timely submission of proof of insurance and a performance bond in accordance with the agreement; authorizing the City Manager to execute this agreement on behalf of the city; and declaring an effective date.

16.Consider approval of Resolution 2012-62R, approving an agreement between the City and American Signal Corporation for \$283,950.00 for the provision of a turnkey Outdoor Siren Warning System contingent upon the contractor's timely submission of proof of insurance and a performance bond in accordance with the agreement; authorizing the City Manager to execute this agreement on behalf of the city; and declaring an effective date.

Ken Bell, Fire Marshal provided presentation

22.Discuss and consider the appointment of a Council Member to the River Systems Institute - Upper San Marcos Coordinating Group, and provide direction to Staff.

19. Consider approval of Ordinance 2012-28, on the first of two readings, amending various sections of Chapter 86, Utilities, Article 2, Water, Division 2, Conservation, including adding definitions under Section 86.056, adding a director's determination for implementation of Drought Response Stages under Section 86.058, modifying restrictions applicable to irrigation, vehicle washing and swimming pools during applicable stages of Drought Response under Sections 86.059, 86.060, 86.061 and 86.062, allowing residential water customers to request a change to their designated weekday for restricted water uses day during drought response stages 2 and 3 under Section 86.064-1 and adding a new Section 86.064-2 to provide for a variance from certain watering restrictions for new landscape; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

MOTION: Upon a motion made by Council Member Scott and a second by Council Member Becak, the City Council voted (4) for and (3) opposed, to approve. The motion carried.

An amendment to change wording to 1 day per week 86.061 item 2

26. Question and Answer Session with Press and Public

27. Adjournment

MOTION: Upon a motion made by Council Member Scott and a second by Council Member Thomason, the City Council voted (7) for and none (0) opposed, to approve. The motion carried.

Daniel Guerrero, Mayor

ATTEST:

Jamie Lee Pettijohn, City Clerk